APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,214	10/17/2001	Tadashi Yamakawa	35.C15888	4146

5514	7590	03/24/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
ADAMS, JONATHAN R

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HC

		Application No.	Applicant(s)
Office Action Summary		09/978,214	YAMAKAWA ET AL.
		Examiner	Art Unit
		Jonathan R Adams	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.   08Y

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents hav been received in this National Stage   58Y982X

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-3, 5-15, 17-23 rejected under 35 U.S.C. 102(e) as being anticipated by

Marullo et al., US Patent No 6044398 (hereafter referred to as '398).

As to claim(s) 1:

3.   '398 teaches a remote-operating apparatus for remotely controlling a first

apparatus comprising:

- Reception means for receiving predetermined information from the first

    apparatus / Transmitting operation information to the first apparatus as a

    response to the predetermined information / An Internet website virtual browser

    application automatically exercises and verifies web server applications and

    scripts by simulating a web browser to request (predetermined information),

    capture, store, and verify data returned (response to the predetermined

    information) from web servers (Col 4, Lines 49-52)

4.   As to claim(s) 2:

first apparatus monitors a state of a second apparatus / Predetermined information

includes information concerning the state of the second apparatus / An Internet website

virtual browser application automatically exercises and verifies web server applications

(Col 4, Lines 49-52)

5.   As to claim(s) 3:

Predetermined information includes request information for requesting establishment of

a stream connection / Name/Address resolved? (Fig 16a, Element 156, '398), open

client socket (Fig 16b, Element 186, '398)

6.   As to claim(s) 5:

Predetermined information is transmitted using http / Getlinks subsystem or application

60 is provided as shown in FIG. 6 employing, in a preferred embodiment, TCPIP

sockets, which can perform the get function 48 to obtain requested HTML pages 70

from the web server 52, (Col 15, Lines 15-19, '398), HTTP ok (Col 13, Line 54, '398)

7.   As to claim(s) 6:

SSL is used to transmit the predetermined information / A query is next made of

whether selected options are valid, 136. If not, the process loops back to block 134. If

yes, it is determined whether SSL is required, 138. If yes, SSI cipher/version timeouts

are initialized (Col 27, Lines 47-51, '398)

8.   As to claim(s) 7:

Transmitting the operation information when a predetermined period of time has passed

since reception of the predetermined information / Time required for propagation

through testing sequence, Note Time (Fig 16a, Element 152, '398)

9.   As to claim(s) 8:

Claim 8 corresponds to claim 2 and further comprises:

Request information for requesting transmission of the operation information / An

Internet website virtual browser application automatically exercises and verifies web

server applications and scripts by simulating a web browser to request (predetermined

information), capture, store, and verify data returned (response to the predetermined

information) from web servers (Col 4, Lines 49-52)

10.   As to claim(s) 9:

transmission means transmits a response to the state information / The process is in a

pass state, 234, in response to flow along path 224 or, as just described, if the smart/fail

count has been incremented at 232, in which case the status is updated, 238, the logs

are updated (Col 29, Lines 23-26, '398)

11.   As to claim(s) 10:

Claim 10 corresponds to claim 7 and further comprises:

Transmission means transmits the response immediately after the reception of the

predetermined information / An Internet website virtual browser application

automatically exercises and verifies web server applications and scripts by simulating a

web browser to request (predetermined information), capture, store, and verify data.

returned (response to the predetermined information) from web servers (Col 4, Lines

49-52). As broadly as stated the given sequence constitutes an immediate response.

12.   As to claim(s) 11:

Claim 11 corresponds to claim 7 and further comprises:

Plurality of pieces of operation information are generated during the predetermined

time, the transmission means transmits the plurality o pieces of operation information by

one operation / in order to vigorously exercise all of the permutations and combinations

of interactions possible with such a web server application 32, a need existed to extract

all known links on a given HTML page, as well as to extract this data from a plurality of

nested and linked such HTML pages. (Col 6, Lines 63-68, '398)

13.   As to claim(s) 12-15, 17-23:

Claims 12-15, 17-23 correspond to claims 1-3, 5-11

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 4 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over

'398 in view of Barrett, US Patent No 6832321 (hereafter referred to as '321)

As to claim(s) 4:

16.   '398 teaches a remote-operating apparatus for remotely controlling a first

apparatus using secure network techniques. '398 does not teach that the first

apparatus (web server) is connected to a network protected by a firewall. '321 teaches

a secure firewall for use with web server systems. It would have been obvious to a

person of ordinary skill in the art at the time of invention to use the firewall protection

scheme used in '321 with the invention of '398. One of ordinary skill in the art would

have been motivated to use the firewall protection scheme used in '321 with the

invention of '398 because a firewall adds security to the current security measures listed
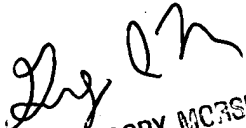
in '398.

Conclusion

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan R Adams whose telephone number is

(571)272-3832. The examiner can normally be reached on Monday – Friday from 10am

to 6pm.

18.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number

for the organization where this application or proceeding is assigned is (571)272-3838.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100